

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

PEAJE INVESTMENTS LLC,

Plaintiff(s),

-v-

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY, et al.,

Adv. Proc. No. 17-151-LTS
in 17 BK 3567 and 17-152-
LTS in 17 BK 3283

Defendant(s).
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ORDER GRANTING URGENT MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

The Court has received and reviewed the *Urgent Motion for Leave to File Documents Under Seal* (the “Motion”) filed by the Defendants in the above-captioned adversary proceedings. As to confidential, non-public financial information of Debtor the Puerto Rico Highways and Transportation Authority (“HTA”) (the “HTA Non-Public Information”), the Court finds that the common law and First Amendment rights of the public to access judicial records and documents are outweighed by the need to maintain the non-public status of the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

financial information in question until the appropriate time for its disclosure, especially in light of Defendants' representation that the material in question will be publicly disclosed prior to the August 8, 2017, evidentiary hearing. (Mot. ¶ 5.) Accordingly, leave to file the HTA Non-Public Information under seal is granted. Defendants must inform the Court promptly or, at the latest, by close of business on **August 4, 2017**, by filing of informative motion, as to whether the HTA Non-Public Information has been publicly disclosed or continued sealed treatment is necessary.

The Motion also seeks leave to file under seal certain materials designated as confidential by the Plaintiff (the "Designated Confidential Material"). The Motion contains no proffer of the basis for the confidential designation and therefore no basis from which the Court can conclude that the common law and First Amendment rights of the public are outweighed by the need to maintain the Designated Confidential Material non-public. Accordingly, leave to file the Designated Confidential Material under seal is granted through **July 26, 2017**, without prejudice to an extension of the sealed treatment upon an application of the parties (for in camera review, if necessary) with evidentiary and legal support demonstrating a proper basis for continued sealed treatment, which application must be filed by 5:00 p.m. (prevailing Eastern Time) on **July 24, 2017**.

Accordingly, the Motion is granted as set forth above. Defendants may file complete versions of documents containing HTA Non-Public Information and Designated Confidential Material under seal on the CM/ECF system as provided by Local Bankruptcy Rule 9018-1(a), and must separately file redacted versions of those documents publicly.

The following counsel who have appeared in these proceedings may also have access to the sealed materials:

- Hermann D. Bauer, of O'Neill & Borges LLC
- Martin J. Bienenstock, Stephen L. Ratner, Timothy W. Mungovan, Bradley R. Bobroff, Michael A. Fierstein, and Lary Alan Rappaport, of Proskauer Rose LLP
- John J. Rapisardi, Suzzanne Uhland, Peter Friedman, and Elizabeth L. McKeen, of O'Melveny & Myers LLP
- Andrés W. López, of The Law Offices of Andrés W. Lopez, P.S.C.
- Wandymar Burgos Vargas, Deputy Secretary in Litigation, Department of Justice of Puerto Rico
- Raul Castellanos, of Development & Construction Law Group LLC
- Dora L. Monserrate Peñagaricano, of Monserrate Simonet & Gierbolini, LLC
- Allan S. Brilliant, Robert J. Jossen, Andrew C. Harmeyer, G. Eric Brunstad, Jr., and Stuart T. Steinberg, of Dechert LLP

The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

This Order resolves docket entry no. 642 in 17 BK 3283, docket entry no. 92 in 17 AP 151, and docket entry no. 85 in 17 AP 152.

SO ORDERED.

Dated: July 14, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge